H. H. Wilson Writes on the Burgess-Maclean White Paper, See Page 2.

I. F. Stone's Weekly

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"My Misfortune Is That I Had Written Books"

Washington, Oct. 5

Harvey O'Connor made history here today. He was the first witness in all these years of the witch hunt to take the stand in his own behalf on a trial for contempt. When the Assistant U. S. Attorney, William Hitz, Jr., moved in for the kill and asked him whether he had ever been a member of the Communist party, O'Connor (see adjoining box) turned to Federal Judge Joseph C. McGarraghy and offered to answer the question if directed by the Court. But the Judge, to everyone's surprise, declined to do so and disallowed the question when Hitz later tried to ask it in a different form. O'Connor, in the first trial of a First Amendment contempt case since the Hollywood Ten (whom Hitz also prosecuted), thus found himself the beneficiary of a judicial ruling which enabled him to demonstrate readiness to answer the question without risking the hazards of a perjury prosecution.

Though McCarthy himself appeared as a witness in the case, it was O'Connor who stole the show. The Senator looked older and fatter, his wife younger and svelte, when they turned up in the courtroom yesterday. Two years ago McCarthy's appearance as witness in a Federal court would have drawn a moderate size mob. But there were only about a dozen spectators on hand when the trial opened yesterday. Except for one stout bailiff, who looked as pleased with Joe as if he were Di Maggio, the audience seemed only mildly interested when McCarthy was sworn in.

The Infamy Rebounded

The Senator shows the effects of his fall from glory. His head has grown, his figure thickened, as if he had passed his change of life, and stood on the threshold of old age. He looks with his too eager smile like a man who feels that he has become disreputable, secretly agrees with the verdict passed upon him, but wishes people would like him anyway. He who made so many people infamous and drove them out of respectable society now stoops slightly, as if under the weight of a similar fate. On the witness stand, prompting the prosecutor and offering information which had not been asked, he seemed to forget that he was a witness in a courtroom, and no longer an all powerful committee chairman. But he showed undiminished agility in crookedly inserting slander wherever given the least opening and had several times to be stopped, benevolently but firmly, by the Judge. He nevertheless managed in his once familiar style to call O'Connor "a long time paid functionary of the Communist Party." The "paid" was a touch of the old genius.

McCarthy's appearance here in the O'Connor case was an effort by his testimony to prevent a recurrence of what happened in New York. There Federal Judge Edward Weinfeld threw out the First Amendment contempt indictments of Corliss Lamont, Albert Shadowitz and Abraham Unger before trial. Judge Weinfeld ruled that the government had failed to show any lawful delegation of authority to McCarthy's "Permanent Investigating Subcommittee" by the parent body, the Senate Government Operations Committee. McCarthy turned up with a two page document headed "Minutes of the Committee on Government Operations." This purported to relate what happened on February 26, 1948, but had been

(Continued on Page Four)

The Judge Declined to Press the $64 Question

Q. [By the Prosecutor, Wm. Hitz, Jr.] Mr. [Harvey] O'Connor, you are now in a Court of law. You are a witness. You are a witness in your own behalf. Your credibility is at stake. It is a proper question for me to ask you have you ever been a member of the Communist Party. Do you care to answer?

A. I do not think it is a proper question for you to ask.

Q. I submit it goes to his credibility.

THE COURT: Do you want to be heard on it?

MR. [Leonard B.] BOUDIN [of defense counsel]: I am going to leave this to the witness. If the witness has anything to say to Your Honor on the subject he can say it. I will not raise a formal objection. I don't happen to think it is material or relevant, but I think the purpose is so clearly improper I must refrain from objecting.

THE WITNESS: Your Honor, I was asked a similar question before a Congressional committee and as a matter of principle I declined to answer. I consider the question quite as improper here as anywhere else. When public officials presume to inquire into the political opinions of the citizens, freedom is dead in this country. And for that reason I would take the same stand on principle here as I did before the Congressional committee. However, if the Court feels I must answer that question under duress to my public humiliation as a citizen and voter I will answer it.

MR. HITZ: Your Honor, might I ask the witness a question or two before we proceed further with that last question?

Q. Are you refusing now to answer the question on the basis of the First Amendment or Fifth Amendment—self-incrimination clause?

A. I believe I just indicated I was not refusing to answer the question. I was deferring to the opinion of the Court.

THE COURT: It is my understanding you are not refusing to answer on either grounds if the Court direct you to answer?

THE WITNESS: Correct.

THE COURT: Mr. Hitz, what is the relevancy of the question?

MR. HITZ: I think it goes to his credibility as a witness in his own behalf.

THE COURT: I don't think so. I won't force an answer.

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Was It Class Solidarity Which Made British Intelligence Fumble?

The Burgess-Maclean White Paper and England's Security System

By H. H. Wilson

Prof. Wilson of Princeton is co-author with Harvey Glickman of *The Problem of Internal Security in Great Britain* 1948-1953 (Doubleday Short Studies in Political Science, 1954, now published by Random House, N.Y., 95c), a study based on four visits to Great Britain between 1948 and 1953.

Evaluation of the White Paper has to be guided by awareness that published facts may be deceptive and valid detail scanty in accounts of counter-intelligence. In the words of the Paper, "Counter-espionage . . . depends for its success upon the maximum secrecy of its methods. Nor is it desirable at any moment to let the other side know how much has been discovered or guess at what means have been used to discover it." Certainly no one can read the Foreign Office report without sensing that only the smallest fragment of the iceberg has been revealed.

It strains credulity to be asked to take at face value an explanation that security officials repeatedly bungled, or were too devoted to the niceties of British law. It may be true, but the British did not acquire their renown as the world's most subtle and effective intelligence operators by the methods described in this case. A service capable of penetrating the German general staff in World War II should have been able to keep track of Burgess and Maclean, as well as Mrs. Maclean and her children. Stupidity is perhaps involved but caution dictates reservation. Assuming that bungling was involved the most plausible explanation is that M. I. 5 reports were discounted by the Foreign Office because Maclean and Burgess came from the proper families and schools.

Whole Family Tainted

"Talk of Milton Eisenuhower, Ike's brother, for the Republican nomination bumps into the fact that Milton during the height of New Deal days worked for Henry Wallace . . . " *—U. S. News & World Report, Oct. 7.*

Also Dwight Eisenhower, Milton's brother, was given an important job during the war by Franklin D. Roosevelt. There's hardly an Eisenhower who's not a security risk.

There are fundamental differences between the British and American conceptions. Compared to American practice the British operate on a far more restricted basis. They do not assume that absolute security is possible. For this reason they practice a selective coverage of truly sensitive areas. They do not consider that youthful radicalism creates a permanent security risk, nor do they think men incapable of changing their political convictions.

Thus Geoffrey Hoare, author of The Missing Macleans, writing in the *News Chronicle*, September 24, rejects Petrov's claim that Maclean and Burgess became Soviet agents while at Cambridge. "It is true that both were then ardent Communists. But so were thousands of other liberal-minded young men who turned to Communism in the dark days of the mid-thirties simply because they considered it the best way of fighting Fascism."

The British understand that the maintenance of security is a continuing problem so long as there are nation-states, since all countries conduct intelligence operations. In a democratic society counter-intelligence must be conducted so as not paralyze freedoms basic to the political process. With the introduction of a security program in 1948, the procedures followed were confidential and secret. There has been "no trial by accusation," no newspaper prejudgment, and no political capital to be made by politicians.

This conception led the London *Observer* to rebuke other newspapers which seem willing to forego legal safeguards. "The fact that Maclean was allowed to get out of the country

Not a Form of Entertainment

"The public has every right to know that an inquiry by impartial and implacable men is being made. Parliament should, we believe, press for such a commission. But its findings should remain secret; and if its members are satisfied, that should be enough. Otherwise security must become increasingly breached. To increase parliamentary or ministerial watchfulness of our officials and public understanding of enemy methods, is a duty: to try to break into our own official secrets is a highly irresponsible form of entertainment."

—The Observer, London, Sept. 25, 1955.

shocks the *Manchester Guardian*: but would that paper approve legislation empowering a secret police to detain people without clear evidence of guilt" This belief in preserving a climate of freedom does not imply that the British are softheaded. The reverse is true. They compile dossiers and engage in surveillance without disrupting the basic safeguards for the fundamental values on which the society rests.

Hardly two years ago the "J. Edgar Hoover of England," Sir Percy Sillitoe, then head of the British security police, expressed this philosophy in a form which has unfortunately proven prophetic but is nonethless valid. "The head of the Security Service," he wrote in the *Sunday Times* of London, Nov. 22, 1953, "is—fortunately, in my opinion—not empowered to take the law into his own hands and put people under arrest because he suspects them of being spies, or for any other reason. We must all bear in mind if we cry out against the people who have abused their liberty in this country, that had we deprived them of that liberty without legal evidence against them we should have been taking steps which would, inevitably, have threatened the liberty of every one of us in Britain. We should in fact have been standing at the top of the slipper slope which leads to the Police State —in which the ordinary citizen goes in constant helpless fear of a Secret Police against whose decrees he has no redress. Surely none of us wants that. I myself, at any rate, would rather see two or three traitors slip through the net of the Security Service than be a party to the taking of measures which could result in such a regime."

The real question on which attention in Britain will focus when Commons reconvenes is not this philosophy of law and risk but whether British Intelligence and the Foreign Office were culpable in not acting sooner against two diplomats whose bizarre escapades, involving excessive drinking, loose talk and homosexuality, had become notorious in their own social circle. Was it loose security or the old school tie which saved them?

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Passing Scene: The AEC's Strauss Grows Humble and Russia Cleans Up Those Labor Camps

The Guild Reconsiders on the 5th; Dulles Picks A Literary Man

The Newspaper Guild may go to bat on the Fifth amendment after all. The *New York Times* unit voted last week 49 to 24 in favor of taking to arbitration the discharge by that paper of Melvin L. Barnet for invoking the Fifth amendment. Unfortunately the total vote fell short of the quorum required (one-tenth of the unit's 1,385 members). The *Daily News* unit voted 62 to 41 against arbitrating the discharge by that paper on the same grounds of David A. Gordon. Both polls were merely advisory and Thomas J. Murphy, executive vice president of the New York Guild, said he would recommend arbitration. Charles Grutzner, one of the *Times* men who "named some names" at the same Eastland committee hearings last summer in which Barnet and Gordon appeared, strongly supported Barnet at the Guild unit meeting. The *New York Post* helped with a strong editorial supporting Barnet October 2, day before the unit meeting. In the meantime, to its embarrassment, the discharge of Barnet by the *Times* is cited as a precedent by the City of New York in a brief filed with the U. S. Supreme Court in the Harry Slochower case. The latter, a Brooklyn College teacher, was discharged by the city for taking a position like Barnet's before the Eastland committee. Slochower, too, denied that he was a Communist now but took the Fifth as to 1940 and 1941.

* * *

"Rebirth of Humility"

Chairman Lewis L. Strauss of the U. S. Atomic Energy Commission may not be the most sensitive of men but the recent Geneva conference on the peaceful uses of atomic energy seems to have had quite an impact on him. He told a joint meeting of the Atomic Industrial Forum and the American Nuclear Society in Washington that one of the by-products of the Geneva gathering was "a rebirth of humility" on our part. He praised the Russian delegation "of whom some 79 were technicians . . . as generally competent and, in some instances . . . exceptional." He said at least one of the Russian papers on peaceful uses of the atom "bore the date of 1943, indicating that they had been seriously concerned with the subject for a longer time than many of us realize." Strauss warned against thinking of the Russians "as not quite equal to us in the technological sense." He also noted "the belief that science cannot thrive under conditions designed solely to protect the security of data already in hand and deemed important to national defense would seem to be brought into question by the degree of Soviet progress" since the Soviet security system is far more comprehensive and rigid than our own. More hopeful than this "paradox," as Strauss termed it, was his observation that reestablishment of communication between atomic scientists at Geneva would result in "much cross-fertilization of ideas."

"Subversion" Defined At Last

"Throughout the Delta country [of Mississippi] the Citizens Councils maintain a vigilant watch against subversion. Down here subversion equals integration.

"'Our intention is to see that the new generation grows up with the same ideas we have,' said Herman Moore, Indianola banker and local Citizens Council chief. 'All we want is to maintain the status quo.'"

—Homer Bigart, from Jackson, Miss., Sept. 23.

* * *

Russian Labor Camp Reforms

Russian labor camps have been the subject of much distorted and exaggerated propaganda, but with a substratum of truth ample enough to show a widespread inhumanity and slovenly wastage of human resources. The September 18 issue of the London *Observer* which has just arrived here carries a long and detailed account, "Russia Reforms Labor Camps," of which very little has seeped through to the American press. The story came from Milan and reported data made public at the Congress for Cultural Freedom held there last month. On the basis of interviews with recently released Austrian prisoners, a German author of a book on the Vorkuta camps said reforms began in the spring of 1954 as a result of large-scale and often bloody strikes. The older penal system is being conveniently blamed, like so much else, on Beria. The Ministry of Justice has had "commissions of revision" at work in the camp areas for more than a year, reducing many individual sentences. Some 60 percent of Vorkuta's 500,000 prisoners had been released by the time the Austrians left in June. Working conditions have been improved. Apparently the job of opening up and exploiting the coal, mineral and wood resources of the Far North and Far East is being shifted "from forced labor in camps to 'free' labor, consisting partly of released prisoners in forced residence and partly of new deportees, with an admixture of genuine volunteers."

J. Edgar Hoover Rebuked

"A great many patriotic, intelligent and respected Americans have deplored the use of anonymous informers in the Federal security program. This is a conspicuous fact which the director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, ignored in his speech on Monday. He indulged in a gross distortion when he said that criticism of what he prefers to call 'confidential informants' is 'part and parcel of Communist strategy,' that it has 'for the most part . . . been devised by Communist lawyers' and that it is spread by 'pseudo liberals' enlisted by Communists 'to convey propaganda designed to discredit truth.' This kind of argument by epithet and invective is peculiarly unbecoming to a law enforcement officer and puts a stain on Mr. Hoover's otherwise exemplary record of public service. It is time he learned that critics are not necessarily Communists. . . ."*—Washington Post, Oct. 5.***

* * *

It's Not Only the Bourbons

Labor and many elements on the Left, too, never learn. While the American Civil Liberties Union very properly has gone to the defense of that miserable scandal sheet, *Confidential*, against postal censorship, the Textile Workers Union September 29 appealed to the Postmaster General to prevent use of the mails by an anti union hate-sheet in Tennessee. When are some of our friends going to learn that civil liberty is not something to be invoked in one's own defense and then shelved when it comes time to deal with one's enemies?

* * *

Incautious Meditations?

As in the days of Hawthorne and Stendhal, literature and diplomacy are again being united. The newly appointed Deputy Undersecretary of State for Economic Affairs, Herbert V. Prochnow, until now vice president of the First National Bank of Chicago, is also—we are charmed to report—a literary man. His official biography discloses that he is "a well-known author." Listed among his better known works are The Public Speaker's Treasure Chest, The Toast-Master's Handbook, 1,001 Ways to Improve Your Conversation, and Meditations on the Ten Commandments and American Financial Institutions. We are trying to find out—before the Senate Internal Security Committee takes up the trail—whether the "Meditations" and the "Financial Institutions" are two separate books or one. If one, then the title is "Meditations on the Ten Commandments and American Financial Institutions." This has possibilities, but we doubt whether a man astute enough to become the vice-president of a bank would be so incautious as to juxtapose the Ten Commandments and finance. It is reassuring to read in the *Washington Star* that despite these literary proclivities "friends describe him as a middle-of-the-road economist."

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"How About Books Blaming Roosevelt For Pearl Harbor?"

(Continued from Page One)

certified only a few days ago by a committee clerk. It contained an excerpt which indicated, if authentic, that the parent committee had delegated full power to its subcommittee.

This document was excluded by the Judge as not properly authenticated, but the substance was gotten into the record by oral testimony from McCarthy. This exhumation of a committee action hitherto unheard of was obviously intended to be the government's legal bombshell at the O'Connor trial, but soon proved a dud. For under skilful cross-examination by Gerhard Van Arkel, counsel for O'Connor, McCarthy admitted that this particular Senate committee adopted new rules at the beginning of each Congress. No record was produced of any such delegation of power to the subcommittee at the beginning of the 83rd Congress in 1953, the year O'Connor was subpoenaed and invoked the First Amendment.

Smear by McCarthy Blocked

Judge McGarraghy, the newest member of our Federal bench, a Taft Republican, upheld the defense when the government sought through McCarthy to show that it had reasonable grounds to ask O'Connor whether he was a member of the Communist "party" or "conspiracy." Both questions were asked in 1953 and it was on the refusal to answer the second that contempt was alleged. Defense counsel objected that this would allow McCarthy to put into evidence at second hand any informer scuttlebutt in his committee files.

When McCarthy was on the stand, "the old Acheson State Department" seemed again to be on trial. The Senator said when O'Connor was summoned as a witness in July of 1953, his subcommittee was investigating "the extremely vicious anti-American propaganda" on the shelves of U. S. overseas libraries. For the first time, McCarthy actually specified which of O'Connor's books were on those shelves: his books on the Astors, the Guggenheims and the CIO Oil Workers Union. He made no complaint about their contents, however, insisting that whether such books "were anti-American or not" their purchase for overseas libraries added to the prestige of Communist authors and through them "swelled party coffers."

At one point McCarthy and Hitz seemed to be treading a line designed to avoid any charge of censorship or ideological inquisition. But under cross-examination by Van Arkel, McCarthy testified he believed books which "unfairly" portray American historical figures should be purged from overseas library shelves. Van Arkel then asked, "How about books blaming Roosevelt for Pearl Harbor?" McCarthy met that one head on. "I personally think he was responsible for Pearl Harbor," McCarthy reacted angrily, "so I'd hardly exclude those books."

The Realm of Beliefs

In demeanor, appearance and tone, O'Connor presented a striking contrast to McCarthy. A distinguished looking man, with graying mustache and ruddy face, O'Connor spoke in quiet unaffected accents, as if in man to man talk with the Judge. He said the McCarthy committee had shown no interest in the content of his books, that he had nothing to do with their purchase by overseas libraries, and that he thought it the duty of a citizen to cooperate with any properly constituted Congressional inquiry. But O'Connor said he felt that McCarthy wanted only to blacken his reputation as the Senator had many others. "Writers have no special privilege," O'Connor explained gravely, "but we do have a special responsibility to defend the First Amendment." He asserted when cross-examined by Hitz that he did not think any Committee of Congress could validly inquire under the First Amendment into political beliefs. He insisted that when McCarthy asked him whether he was "a member of the Communist conspiracy" the Senator was using "as an epithet a term too vague" to be susceptible of proper answer. "My misfortune," O'Connor said, "was that I had written books. If I hadn't written books, I wouldn't have been there. . . . I felt the committee had no reason to roam in the realm of beliefs."

When O'Connor stepped down from the stand late this afternoon, he had succeeded for a few hours in turning his trial into a trial of McCarthy. The atmosphere of two years ago, when McCarthy's shadow was still long and heavy upon the land, had been revived. The Judge hears final argument tomorrow, and has asked for trial briefs two weeks hence. Whether O'Connor is acquitted or convicted, whether he is ultimately freed or jailed, his appearance in court this week will prove a memorable defense of fundamental liberties.

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